

REMARKS

Claims 1-45 are pending in the present application. Claims 1-44 stand rejected pursuant to an Examiner's Office Action dated 08/29/2003. Claims 1, 4, 5, 11, 17, 21, 24, 31, 37 and 41-44 have been amended, and Claim 45 has been added, herewith. Consideration of the pending claims is respectfully requested.

Applicants wish to thank the Examiner for taking the time to conduct a telephone interview on 11/24/2003, where the requirements under 35 U.S.C. § 101 were discussed.

I. 35 U.S.C. § 112, Second Paragraph

The Examiner rejected Claims 4 and 5 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

With respect to Claim 4, such claim has been amended to correct a typographical error and to clarify that the claim is further refining the claimed 'new credit cards' recited in Claim 1. As amended, such claim recites "The method recited in claim 1, wherein the new credit cards are credit cards having been issued to the creditor for a period of time less than a preset time period for low interest teaser interest rates." Therefore, amended Claim 4 is definite as further refining the claimed 'new credit cards' recited in Claim 1, of which Claim 4 depends upon.

With respect to Claim 5, such claim has been amended to clarify that the claim is further refining the claimed 'relatively new credit cards' recited in Claim 2. As amended, such claim recites "The method recited in claim 2, wherein the relatively new credit cards are credit cards having been issued to the creditor for less than twelve months." Therefore, amended Claim 5 is definite as further refining the claimed 'relatively new credit cards' recited in Claim 2, of which Claim 5 depends upon.

Therefore, the rejection of Claims 4 and 5 under 35 U.S.C. § 112, second paragraph has been overcome.

II. 35 U.S.C. § 101, Non-Statutory Subject Matter

The Examiner rejected Claims 1-44 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

The Examiner states that Claims 1-44 are directed to an abstract idea that does not provide a practical application in the technological arts, and that applicant is reminded to embed a computer or processor or module into claims 1-44 in order to overcome this 101 rejection.

With respect to Claim 1, 11, 17 and 44, such claims have been amended to reiterate that the recited steps are part of a data processing system implemented method, and thus are not a mere abstract idea. Therefore, Claims 1 (and dependent claims thereof), 11 (and dependent claims thereof), 17 (and dependent claims thereof) and 44 are shown to recite statutory subject matter, in that they are reciting a data processing implemented method, and not a mere abstract idea.

With respect to Claims Claim 21 (and dependent claims thereof), 31 (and dependent claims thereof) and 37 (and dependent claims thereof), such claims have been amended to further reiterate that the claimed invention recited therein is a data processing system comprised of various 'means for' elements and is statutory per 35 U.S.C. 101 and 35 U.S.C. 112, 6th paragraph as reciting an apparatus (a data processing system).

With respect to Claims 41-43, such claims have been amended to further clarify the nature of the claimed computer program product. Computer program product claims have been held to recite statutory subject matter (see US Patent 5,710,579 to Beauregard et al.; see also, representative US Patents 6,651,246, 6,651,244, 6,651,243, 6,651,209, 6,651,184, 6,651,182, 6,651,174, 6,651,173, etc.).

Therefore, the rejection of Claims 1-44 under 35 U.S.C. § 101 has been overcome.

III. Newly Added Claim 45

Applicants have added Claim 45 herewith, which claims computer program product instructions for performing the method recited in Claim 44. Therefore, Claim 45 is shown to be allowable similar to Claim 44. In addition, such computer program product claim has been held to recite statutory subject matter (see US Patent 5,710,579 to Beauregard et al.; see also, representative US Patents 6,651,246, 6,651,244, 6,651,243, 6,651,209, 6,651,184, 6,651,182, 6,651,174, 6,651,173, etc.)

IV. Conclusion

It is respectfully urged that the subject application is directed to statutory subject matter, and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 11/25/03

Respectfully submitted,



Duke W. Yee
Reg. No. 34,285

Wayne P. Bailey
Reg. No. 34,289
Carstens, Yee & Cahoon, LLP
P.O. Box 802334
Dallas, TX 75380
(972) 367-2001
Attorneys for Applicants